

EXHIBIT 1

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING)
PHARMACY, INC. PRODUCTS LIABILITY)
LITIGATION)
_____)

MDL No. 2419
Dkt. No 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO:)
)
)

All cases)
)
)

Revised Notice of 30(b)(6) Deposition

Defendants Saint Thomas Outpatient Neurosurgical Center, LLC; Howell Allen Clinic, a Professional Corporation; John Culclasure, MD; Debra Schamberg, RN; Vaughan Allen, MD; Specialty Surgery Center, Crossville, PLLC; Kenneth R. Lister, MD; Kenneth Lister, MD, PC; and Donald E. Jones, MD (collectively "Tennessee Clinic Defendants"), pursuant to Federal Rule of Civil Procedure 30(b)(6), come now and give notice that the oral and videotaped deposition of New England Compounding Center (hereinafter "NECC"), as an organization, will be taken on the topics detailed below. NECC shall identify the person(s) who will speak on its behalf on each topic at least seven (7) days before the deposition(s).

This revised notice is put forth following the Court's granting of NECC's Motion for Protective Order.¹ It is intended to limit the topics such that the Court's and NECC's concerns about the burden on the estate are alleviated.

¹ See Dkt. 2123.

The deposition will be taken on _____, beginning at 9:00 a.m. (CDT) and continuing until completed. The deposition will take place at the Nutter, McClennen & Fish LLP, 155 Seaport Blvd., Boston, MA 02210. The deposition will be recorded by stenographical means and by video.

* * * * *

Pursuant to Federal Rule of Civil Procedure 30(b)(6), the NECC's designee(s) shall be prepared to testify regarding the following subjects:

NECC's interactions with customers (including the Tennessee Clinic Defendants)

1. The accuracy of NECC's customer lists as published by the CDC after the outbreak.^{2 3}
2. Whether any customer or prospective customer of NECC, from 2008 to the time NECC ceased operations, performed a site visit of NECC and, if so, identification of the health care provider, date of the inspection, and whether the customer thereafter purchased medication from NECC.
3. The due diligence generally conducted by health care provider customers of NECC before purchasing medication from NECC in 2008-12.⁴
4. Any conversations NECC had with the Tennessee Clinic Defendants in 2011-12, through its employees or salespeople.

² See, e.g., <http://www.fda.gov/downloads/Drugs/DrugSafety/FungalMeningitis/UCM325466.pdf>.

³ The Tennessee Clinic Defendants simply seek a witness to confirm that these lists, to the best of NECC's knowledge, reflect the customers of NECC at the time of the outbreak.

⁴ The Tennessee Clinic Defendants seek a witness to testify generally regarding what steps known to NECC customers took, if any, to investigate NECC prior to purchasing product from it. For instance, did customers generally conduct a site visit before purchasing? Did customers generally request copies of NECC's liability insurance before purchasing? Did customers generally request information about NECC's regulatory history prior to purchasing?

5. What NECC customers, if any, utilized individual patient-specific prescriptions when ordering medications from NECC in 2011-12, and whether NECC maintained a list of these customers.

NECC's production of the MPA at issue

6. NECC's process for compounding the three batches of MPA at issue.⁵

Respectfully submitted,

GIDEON, COOPER & ESSARY, PLC

/s/ Chris J. Tardio

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* Admitted pursuant to MDL Order No. 1.

** Admitted pro hac vice.

⁵ The Tennessee Clinic Defendants simply seek a witness to testify generally as to the step-by-step process that was followed for the production of the three batches at issue.

CERTIFICATE OF SERVICE

I certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing and copies will be e-mailed or mailed via regular U.S. mail to those participants identified as unregistered this ____ day of August, 2015.

/s/ Chris J. Tardio

Chris J. Tardio